

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Paul G. Cain
Dianne M. Cain**
Debtor(s)

Bankruptcy Case No.: 19-22831-CMB
per 1/30/2020 proceeding
Chapter: 13
Docket No.: 38 – 13
Concil. Conf.: January 30, 2020 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 7/30/2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 30, 2020 at 09:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Ally (Cl #19) as a pay in full claim W. Homestead Boro (Cl #18) Bank of America (Cl#17) New Rez (Cl #23) .
- ☒ H. Additional Terms: Fee Application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: January 31, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Paul G. Cain
 Dianne M. Cain
 Debtors

Case No. 19-22831-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dsaw
 Form ID: 149

Page 1 of 2
 Total Noticed: 49

Date Rcvd: Jan 31, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 02, 2020.

db/jdb
 cr +Paul G. Cain, Dianne M. Cain, 1324 Breezewood Drive, Homestead, PA 15120-1319
 cr BANK OF AMERICA, N.A., PO BOX 31785, TAMPA, FL 33631-3785
 cr +BOROUGH OF WEST HOMESTEAD,, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES OF AMERICA 15219-6101
 cr +New Residential Mortgage Loan Trust 2017-3, RAS Crane, LLC,
 10700 Abbotts Bridge Road, Suite 170, Duluth, GA 30097-8461
 15088621 +AMEX, P.O. Box 981537, El Paso, TX 79998-1537
 15103137 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 15088624 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, P.O. Box 982238, El Paso, TX 79998)
 15088623 +Bank of America, 4909 Savarese Circle, Tampa, FL 33634-2413
 15111952 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 15122989 +Borough of West Homestead, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 15088630 +Chase Card, P.O. Box 15298, Wilmington, DE 19850-5298
 15125660 +Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 15088633 +Citicards/CBNA, P.O. Box 6497, Sioux Falls, SD 57117-6497
 15088632 +Citicards/CBNA, P.O. Box 6217, Sioux Falls, SD 57117-6217
 15099506 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,
 c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100,
 Boca Raton, FL 33487-2853
 15189663 +New Residential Mortgage Loan Trust 2017-3, c/o Nationstar Mtg LLC dba Mr.Cooper,
 P.O. Box 619094, Dallas, TX 75261-9094
 15125612 +New Residential Mortgage Loan Trust 2017-3, c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 15093056 OneMain Financial, PO BOX 3251, Evansville, IN 47731
 15088641 +PNC Bank, N.A., P.O. Box 3180, Pittsburgh, PA 15230-3180
 15088642 +Santander Consumer USA, P.O. Box 961245, Fort Worth, TX 76161-0244
 15095507 +Santander Consumer USA, Inc., P.O. Box 560284, Dallas, TX 75356-0284
 15088643 +Sears/CBNA, P.O. Box 6217, Sioux Falls, SD 57117-6217
 15088644 +Specialized Loan Servicing, 8742 Lucent Blvd #300, Littleton, CO 80129-2386
 15088648 TD Bank N.A./ally, Credit Card Servicing, Columbus, GA 31908
 15120387 The Bank Of New York Mellon et al, Bank of America, PO Box 31785, Tampa, FL, 33631-3785
 15088649 Tri Boro Federal Credit Union, PO Box 3780, Harrisburg, PA 17105

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 01 2020 04:13:00
 PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 01 2020 04:29:02
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15123496 E-mail/Text: ally@ebn.phinsolutions.com Feb 01 2020 04:05:45 Ally Bank, PO Box 130424,
 Roseville MN 55113-0004
 15088620 +E-mail/Text: ally@ebn.phinsolutions.com Feb 01 2020 04:05:45 Ally Financial,
 200 Renaissance Ctr., Detroit, MI 48243-1300
 15088627 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 01 2020 04:12:52 Capital One,
 P.O. Box 30253, Salt Lake City, UT 84130-0253
 15096496 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 01 2020 04:11:47
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15088628 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 01 2020 04:11:48
 Capital One Bank USA N.A., P.O. Box 30281, Salt Lake City, UT 84130-0281
 15088629 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 01 2020 04:10:53
 Capital One Bank, N.A., P.O. Box 30281, Salt Lake City, UT 84130-0281
 15088634 E-mail/Text: mrdiscen@discover.com Feb 01 2020 04:05:48 Discover Financial Services,
 P.O. Box 15316, Wilmington, DE 19850
 15092527 E-mail/Text: mrdiscen@discover.com Feb 01 2020 04:05:48 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15088636 +E-mail/Text: DSLBKYP@discover.com Feb 01 2020 04:07:50 Discover Student Loans,
 P.O. Box 30948, Salt Lake City, UT 84130-0948
 15126415 +E-mail/Text: kburkley@bernsteinlaw.com Feb 01 2020 04:08:17 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 15088637 +E-mail/Text: cio.bncmail@irs.gov Feb 01 2020 04:06:07 IRS Department of Treasury,
 P.O. Box 145566, Cincinnati, OH 45250-5566
 15104768 E-mail/PDF: resurgentbknofications@resurgent.com Feb 01 2020 04:12:03 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15100171 E-mail/PDF: MerrickBKNotifications@Resurgent.com Feb 01 2020 04:10:51 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 15088638 +E-mail/PDF: MerrickBKNotifications@Resurgent.com Feb 01 2020 04:12:45 Merrick Bank Corp,
 P.O. Box 9201, Old Bethpage, NY 11804-9001
 15088640 +E-mail/PDF: cbp@onemainfinancial.com Feb 01 2020 04:12:28 One Main, P.O. Box 1010,
 Evansville, IN 47706-1010

District/off: 0315-2

User: dsaw
Form ID: 149

Page 2 of 2
Total Noticed: 49

Date Rcvd: Jan 31, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15124969 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 01 2020 04:11:00
Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
15088645 +E-mail/PDF: gecsedirecoverycorp.com Feb 01 2020 04:12:46 SYNCB/Lowes, P.O. Box 956005,
Orlando, FL 32896-0001
15088646 +E-mail/PDF: gecsedirecoverycorp.com Feb 01 2020 04:12:45 SYNCB/Sams Club,
P.O. Box 965005, Orlando, FL 32896-5005
15088647 +E-mail/PDF: gecsedirecoverycorp.com Feb 01 2020 04:11:41 SYNCB/Walmart, P.O. Box 965024,
Orlando, FL 32896-5024
15089032 +E-mail/PDF: gecsedirecoverycorp.com Feb 01 2020 04:12:44 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15124751 +E-mail/PDF: gecsedirecoverycorp.com Feb 01 2020 04:12:44 Synchrony Bank,
c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
TOTAL: 23

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr BANK OF AMERICA, N.A.
cr The Bank Of New York Mellon, et.al.
cr* BANK OF AMERICA, N.A., PO BOX 31785, TAMPA, FL 33631-3785
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15107389* American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
Malvern PA 19355-0701
15088622* +Amex, P.O. Box 981537, El Paso, TX 79998-1537
15088625* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, P.O. Box 982238, El Paso, TX 79998)
15088626* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, P.O. Box 982238, El Paso, TX 79998)
15088631* +Chase Card, P.O. Box 15298, Wilmington, DE 19850-5298
15088635* ++DISCOVER FINANCIAL SERVICES LLC, PO BOX 3025, NEW ALBANY OH 43054-3025
(address filed with court: Discover Financial Services, LLC, P.O. Box 15316,
Wilmington, DE 19850)
15088639* +Merrick Bank Corp, P.O. Box 9201, Old Bethpage, NY 11804-9001
TOTALS: 2, * 9, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 02, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 31, 2020 at the address(es) listed below:

Dennis J. Spyra on behalf of Joint Debtor Dianne M. Cain attorneyspyra@dennisspyra.com,
deborah@dennisspyra.com/missdebrastone@msn.com
Dennis J. Spyra on behalf of Debtor Paul G. Cain attorneyspyra@dennisspyra.com,
deborah@dennisspyra.com/missdebrastone@msn.com
James Warmbrodt on behalf of Creditor New Residential Mortgage Loan Trust 2017-3
bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor BOROUGH OF WEST HOMESTEAD, jhunt@grblaw.com,
cnoroski@grblaw.com
Jodi L. Hause on behalf of Creditor The Bank Of New York Mellon, et.al.
jodi.hause@phelanhallinan.com, pawb@fedphe.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Kevin M BATTERY on behalf of Creditor New Residential Mortgage Loan Trust 2017-3
kbattery@rascrane.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9